



New Attorney Docket No. HTEC-014/01US

Old Attorney Docket No. MJA-27202/03

PATENT

Express Mail Label Number: EV 459985460 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 22, 2004.

By: *Deborah Lager*

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Ross, et al.

Serial No.: 10/631,304

Examiner: [Not Assigned]

Confirmation No.: 3744

Art Unit: 3736

Filed: July 31, 2003

For: **RESPIRATORY ANALYZER FOR EXERCISE USE**

### Mail Stop DD

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

### INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(b)

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☐ Pursuant to 37 C.F.R. §1.98, a copy of each document cited in the attached Form PTO/SB/08 is enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. \_\_\_\_ to which the above-identified application claims priority under 35 U.S.C. §120.

- ☒ [x] No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98 because this application was filed after June 30, 2003.
- ☐ [] Publication(s) \_\_\_ listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to \_\_\_ application serial no. \_\_\_ and mailed on \_\_\_.
- ☐ [] Enclosed is a copy of a non-English publication(s) \_\_\_. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ [] Enclosed is a copy of a non-English publication(s) \_\_\_. English language publication \_\_\_ (copy enclosed) claims priority from this non-English publication.
- ☐ [] Enclosed is an explanation of non-English publication(s) \_\_\_ for which an English translation is not available.
- ☐ [] Enclosed is an English translation of non-English publication(s) \_\_\_ cited in the attached Form PTO/SB/08A.
- ☐ [] Enclosed is a copy of pending patent Application Serial No. \_\_\_.

This Information Disclosure Statement is filed within any one of the following time periods:

- ☐ [] within three months from the filing date of this national application other than a CPA under 37 C.F.R. § 1.53(d);
- ☐ [] within three months from the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in this international application;
- ☒ [x] before the mailing date of a first office action on the merits; or
- ☐ [] before the mailing of a first office action after the filing of a request for continued examination under 37 C.F.R. § 1.114.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

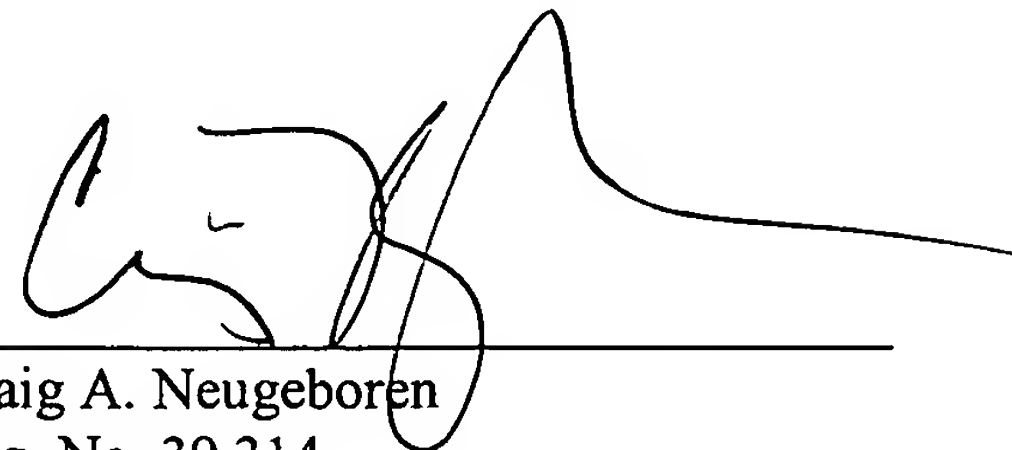
Dated:

*June 22, 2003*

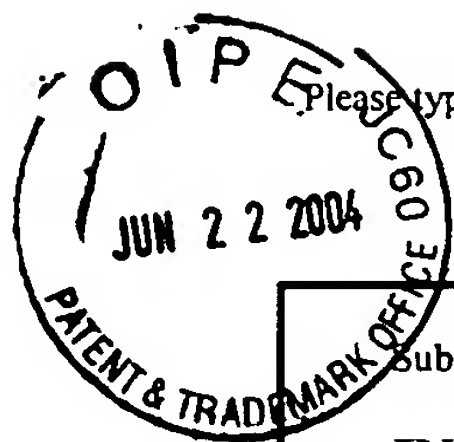
Cooley Godward LLP  
ATTN: Patent Group  
Five Palo Alto Square  
3000 El Camino Real  
Palo Alto, CA 94306-2155  
Tel: (720) 566-4016  
Fax: (720) 566-4099

Respectfully submitted,  
**COOLEY GODWARD LLP**

By:

A handwritten signature in black ink, appearing to read 'Craig A. Neugeboren', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

Craig A. Neugeboren  
Reg. No. 39,314



Please type a plus sign (+) inside this box →



PTO/SB/08A (08-00)

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)				<b>Complete if Known</b>	
				Application Number	10/631,304
				Filing Date	July 31, 2003
				First Named Inventor	Ross, et al.
				Group Art Unit	3736
				Examiner Name	[Not Assigned]
Sheet	1	of	2	Attorney Docket Number	HTEC-014/01US (Formerly MJA-27202/03)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code <sup>2</sup> (if known)		
	1.	4,631,966		Brugnoli	12/30/1986
	2.	4,658,832		Brugnoli	04/21/1987
	3.	5,060,656		Howard	10/29/1991
	4.	5,117,674		Howard	06/02/1992
	5.	5,363,857		Howard	11/15/1994
	6.	5,419,326		Harmoncourt	05/30/1995
	7.	5,503,151		Harmoncourt, et al.	04/02/1996
	8.	5,517,313		Colvin, Jr.	05/14/1996
	9.	5,645,071		Harmoncourt, et al.	07/08/1997
	10.	5,647,370		Harmoncourt	07/15/1997
	11.	5,796,009		Delsing	08/18/1998
	12.	5,894,351		Colvin	04/13/1999
	13.	5,910,661		Colvin	06/08/1999
	14.	5,917,605		Colvin	06/29/1999
	15.	6,206,837		Brugnoli	03/27/2001
	16.	6,304,766		Colvin	10/16/2001
	17.	6,330,464		Colvin, et al.	12/11/2001
	18.	6,344,360		Colvin, et al.	02/05/2002
	19.	6,468,222		Mault, et al.	10/22/2002
	20.	2003/0023182	A1	Mault, et al.	01/30/2003
	21.	2003/0028120	A1	Mault, et al.	02/06/2003
	22.	2003/0065273	A1	Mault, et al.	04/03/2003
	23.	2003/0065274	A1	Mault, et al.	04/03/2003
	24.	2003/0065275	A1	Mault, et al.	04/03/2003
	25.	2003/0105407	A1	Pearce, et al.	06/05/2003

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)			

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number.

<sup>2</sup> See attached Kinds of U.S. Patent Documents.

<sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).

<sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

<sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.

<sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

